

PATENT DIVISION  
2005 JUN 21 11 9:30

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Appl. No. : 09/913,383  
Applicant : Hideo Harada et al.  
Filed : August 13, 2001  
Title : "VISUAL TELEPHONE"  
  
TC/A.U. : 2643  
Examiner : George Eng  
  
Customer No. : 000,116  
Docket No. : 33869

**REQUEST FOR REFUND**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Refund Section, Accounting Division  
Office of Finance

Sir:

Applicant respectfully requests a refund of \$1440.00.

On January 13, 2004, Applicant received a Final Rejection with a response due date of April 13, 2004. A response to the Final Rejection (Amendment "B", Exhibit A) was sent on June 7, 2004 including a check for the \$420.00 two month extension of time fee (Exhibit B).

An Advisory Action was set forth by the Examiner on June 22, 2004 with a response date of April 13, 2004. In response to the Advisory Action, Applicant filed a Request for Continued Examination (Exhibit C) including a check for \$1720.00. The \$1720.00 fee included the \$770.00 fee for a Request for Continued Examination and \$950.00 for a three month extension of time. However, only a one month extension of time was needed because a two month extension of time was paid for in response to the Final Rejection of January 13, 2004.

**BEST AVAILABLE COPY**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, ATTN: Refund Section, Accounting Division Office of Finance on the date indicated below.

Jeffrey J. Sopko  
Name of Attorney for Applicant(s)  
June 15, 2005  
Date  
Signature of Attorney

The Examiner then issued an Office action on December 15, 2004 and set a response date for March 15, 2005. Applicant responded to the Office action on the March 15, 2005 due date with Amendment "C" (Exhibit E) and no extension of time needed. Patent Application Information Retrieval (Exhibit F) indicates that the response to the Non-Final Action was received at the U.S. Patent Office on March 17, 2005, however, on May 3, 2005, Applicant's Deposit Account (Exhibit G) was erroneously charged \$1020.00 indicating a fee code for a three month extension of time.

Enclosed are the following:

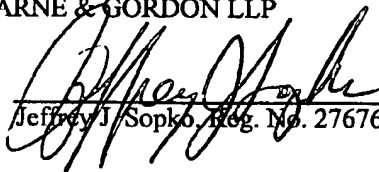
- Exhibit A - copy of Amendment "B" dated June 7, 2004 in response to the Final Rejection of January 13, 2004, 12 pages
- Exhibit B - copy of Check No. 60197 dated June 4, 2004, sent with Amendment "B" and cashed by the U.S. Patent Office, 1 page
- Exhibit C - copy of Request for Continued Examination dated July 7, 2004 in response to Advisory Action of June 22, 2004, 1 page
- Exhibit D - copy of Check No. 60591 dated July 6, 2004, sent with Request for Continued Examination and cashed by the U.S. Patent Office, 1 page
- Exhibit E - copy of Amendment "C" dated March 15, 2005 in response to the Office action of December 15, 2004, 6 pages
- Exhibit F - copy of Patent Application Retrieval Information, 2 pages
- Exhibit G - Copy of May, 2005 Deposit Account Statement, 3 pages

Therefore, Applicant respectfully requests a refund of \$1440.00. \$420.00 for overpayment of an extension of time and \$1020.00 for the erroneous charge to Applicant's Deposit Account.

Please credit the refund to our Deposit Account No. 16-0820, Order No. 33869.

Respectfully submitted,  
PEARNE & GORDON LLP

By:

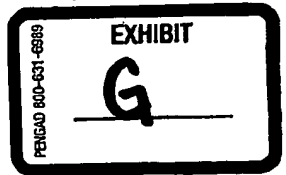
  
Jeffrey J. Sopko, Reg. No. 27676

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700  
June 15, 2005



**United States  
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**Deposit Account Statement**

205 JUN 21 AM 9:30

**Requested Statement Month:** May 2005  
**Deposit Account Number:** 160820  
**Name:** PEARNE & GORDON LLP  
**Attention:** PATRICK SECCIA  
**Address:** 1801 EAST 9TH STREET  
**City:** CLEVELAND  
**State:** OH  
**Zip:** 44114-3108  
**Country:** UNITED STATES OF AMERICA

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Deposit Account Statement

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Appl. No. 09/913,383  
Amdt. Dated June 7, 2004  
Reply to Office action of January 13, 2004

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/913,383                      Confirmation No. : 9480  
Applicant : Hideo Harada  
Filed : August 13, 2001  
GAU : 2643  
Examiner: : George Eng  
Docket No. : NGB-33869  
Customer No.: 116

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT "B"**

Sir:

The three (3) month response period for the outstanding Office action dated January 13, 2004 expired on April 13, 2004. Applicant hereby petitions and requests for a two (2) month extension of time to extend the response period from April 13, 2004 through June 13, 2004. A check in the amount of \$420 is enclosed to cover this fee.

In response to the Office action of January 13, 2004 (paper no. 5) and the personal interview conducted on May 11, 2004 (summarized on paper no. 6), please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.

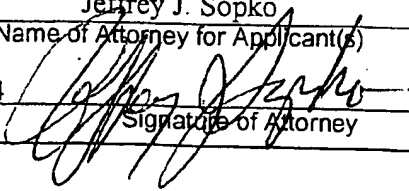
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Jeffrey J. Sopko

\_\_\_\_\_  
Name of Attorney for Applicant(s)

June 7, 2004

Date

  
\_\_\_\_\_  
Signature of Attorney

PH/MSAD 800-831-6889

EXHIBIT

**A**

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1           1. (currently amended) A video telephone comprising:  
2           image pickup means which captures an image of a subject  
3                     and generates a pickup image signal;  
4           pickup signal processing means which processes the pickup  
5                     signal and outputs a pickup image signal;  
6           processing means including a microprocessor for executing  
7                     an image modification program for implementing one  
8                     or more image modification processing techniques  
9                     which subjects the pickup image signal to an image  
10                    modification processing to produce a modified image  
11                    signal for protecting a portrait right;  
12           image signal selection means which selects one of the  
13                    pickup image signal from the pickup signal  
14                    processing means and the modified image signal; and  
15           communication means which transmits an output image  
16                    signal from the image signal selection means.

1           2. (previously presented) A video telephone according to  
2           claim 1, wherein the image signal selection means selects and  
3           outputs the modified image signal from the processing means  
4           at a time of starting communication, and thereafter selects  
5           and outputs the pickup image signal from the pickup signal  
6           processing means in response to an operational instruction  
7           from a calling party.

1           3. (previously presented) A video telephone according to  
2           claim 1, wherein the image signal selection means selects and  
3           outputs the modified image signal from the processing means  
4           at a time of starting communication, and thereafter selects

5 and outputs the pickup image signal from the pickup signal  
6 processing means in response to confirmation of authentication  
7 of a partner side of a calling party.

1 4. (previously presented) A video telephone according to  
2 claim 1, wherein the processing means performs a defocusing  
3 processing for placing an image based on the pickup image  
4 signal in a defocused state.

1 5. (previously presented) A video telephone according to  
2 claim 1, wherein the processing means performs a deforming  
3 processing for converting two-dimensional positional  
4 information of pixels in the pickup image signal at an  
5 arbitrary ratio.

1 6. (previously presented) A video telephone according to  
2 claim 1, wherein the processing means performs a resolution  
3 reducing processing for reducing a resolution of the pickup  
4 image signal.

1 7. (previously presented) A video telephone according to  
2 claim 1, wherein the processing means performs a tone  
3 resolution reducing processing for reducing a tone resolution  
4 of the pickup image signal.

1 8. (currently amended) A video telephone comprising:  
2 image pickup means which captures an image of a subject  
3 and generates a pickup signal;  
4 pickup signal processing means which processes the pickup  
5 signal and outputs a pickup image signal;  
6 image modification processing means for executing a  
7 program which subjects the pickup image signal to an  
8 image modification processing for protecting a  
9 portrait right, said image modification including



10           one or more of defocusing processing, deforming  
11           processing, resolution reducing processing, tone  
12           resolution reducing processing, diffusing image  
13           processing, transverse blurring processing, and  
14           contour extracting processing;  
15           image signal selection means which selects one of the  
16           pickup image signal from the pickup signal  
17           processing means and a modified image signal from  
18           the image modification processing means; and  
19           communication means which transmits an output image  
20           signal from the image signal selection means.

1           9. (previously presented) A video telephone according to  
2           claim 8, wherein the image signal selection means selects and  
3           outputs the modified image signal from the image modification  
4           processing means at a time of starting communication, and  
5           thereafter selects and outputs the pickup image signal from  
6           the pickup signal processing means in response to an  
7           operational instruction from a calling party.

1           10. (previously presented) A video telephone according to  
2           claim 8, wherein the image signal selection means selects and  
3           outputs the modified image signal from the image modification  
4           processing means at a time of starting communication, and  
5           thereafter selects and outputs the pickup image signal from  
6           the pickup signal processing means in response to confirmation  
7           of authentication of a partner side of a calling party.

1           11. (currently amended) A video telephone comprising:  
2           image pickup means which captures an image of a subject  
3                           and generates a pickup signal;  
4           pickup signal processing means which processes the pickup  
5                           signal and outputs a pickup image signal;

6 image modification processing means for executing a  
7 program which subjects the pickup image signal to  
8 defocusing processing for placing an image based on  
9 the pickup image signal in a defocused state;  
10 image signal selection means which selects one of the  
11 pickup image signal from the pickup signal  
12 processing means and a modified image signal from  
13 the image modification processing means; and  
14 communication means which transmits an output image  
15 signal from the image signal selection means.

1 12. (previously presented) A video telephone according to  
2 claim 11, wherein the image signal selection means selects and  
3 outputs the modified image signal from the image modification  
4 processing means at a time of starting communication, and  
5 thereafter selects and outputs the pickup image signal from  
6 the pickup signal processing means in response to an  
7 operational instruction from a calling party.

1 13. (previously presented) A video telephone according to  
2 claim 11, wherein the image signal selection means selects and  
3 outputs the modified image signal from the image modification  
4 processing means at a time of starting communication, and  
5 thereafter selects and outputs the pickup image signal from  
6 the pickup signal processing means in response to confirmation  
7 of authentication of a partner side of a calling party.

1 14. (currently amended) A video telephone comprising:  
2 image pickup means which captures an image of a subject  
3 and generates a pickup signal;  
4 pickup signal processing means which processes the pickup  
5 signal and outputs a pickup image signal;  
6 image modification processing means for executing a  
7 program which subjects the pickup image signal to

8           deforming processing for converting two-dimensional  
9           positional information of pixels in the pickup image  
10          signal at an arbitrary ratio, ;  
11          image signal selection means which selects one of the  
12          pickup image signal from the pickup signal  
13          processing means and a modified image signal from  
14          the image modification processing means; and  
15          communication means which transmits an output image  
16          signal from the image signal selection means.

1           15. (previously presented) A video telephone according to  
2           claim 14, wherein the image signal selection means selects and  
3           outputs the modified image signal from the image modification  
4           processing means at a time of starting communication, and  
5           thereafter selects and outputs the pickup image signal from  
6           the pickup signal processing means in response to an  
7           operational instruction from a calling party.

1           16. (previously presented) A video telephone according to  
2           claim 14, wherein the image signal selection means selects and  
3           outputs the modified image signal from the image modification  
4           processing means at a time of starting communication, and  
5           thereafter selects and outputs the pickup image signal from  
6           the pickup signal processing means in response to confirmation  
7           of authentication of a partner side of a calling party.

1           17. (currently amended) A video telephone comprising:  
2           image pickup means which captures an image of a subject  
3                    and generates a pickup signal;  
4           pickup signal processing means which processes the pickup  
5                    signal and outputs a pickup image signal;  
6           image modification processing means for executing a  
7                    program which subjects the pickup image signal to

8 resolution reducing processing for reducing a  
9 resolution of the pickup image signal;  
10 image signal selection means which selects one of the  
11 pickup image signal from the pickup signal  
12 processing means and a modified image signal from  
13 the image modification processing means; and  
14 communication means which transmits an output image  
15 signal from the image signal selection means.

1 18. (previously presented) A video telephone according to  
2 claim 17, wherein the image signal selection means selects and  
3 outputs the modified image signal from the image modification  
4 processing means at a time of starting communication, and  
5 thereafter selects and outputs the pickup image signal from  
6 the pickup signal processing means in response to an  
7 operational instruction from a calling party.

1 19. (previously presented) A video telephone according to  
2 claim 17, wherein the image signal selection means selects and  
3 outputs the modified image signal from the image modification  
4 processing means at a time of starting communication, and  
5 thereafter selects and outputs the pickup image signal from  
6 the pickup signal processing means in response to confirmation  
7 of authentication of a partner side of a calling party.

1 20. (currently amended) A video telephone comprising:  
2 image pickup means which captures an image of a subject  
3 and generates a pickup signal;  
4 pickup signal processing means which processes the pickup  
5 signal and outputs a pickup image signal;  
6 image modification processing means for executing a  
7 program which subjects the pickup image signal to  
8 tone resolution reducing processing for reducing a  
9 tone resolution of the pickup image signal;

10 image signal selection means which selects one of the  
11 pickup image signal from the pickup signal  
12 processing means and a modified image signal from  
13 the image modification processing means; and  
14 communication means which transmits an output image  
15 signal from the image signal selection means.

1 21. (previously presented) A video telephone according to  
2 claim 20, wherein the image signal selection means selects and  
3 outputs the modified image signal from the image modification  
4 processing means at a time of starting communication, and  
5 thereafter selects and outputs the pickup image signal from  
6 the pickup signal processing means in response to an  
7 operational instruction from a calling party.

1 22. (previously presented) A video telephone according to  
2 claim 20, wherein the image signal selection means selects and  
3 outputs the modified image signal from the image modification  
4 processing means at a time of starting communication, and  
5 thereafter selects and outputs the pickup image signal from  
6 the pickup signal processing means in response to confirmation  
7 of authentication of a partner side of a calling party.

1 23. (previously presented) A video telephone according to  
2 claim 1 wherein said image modification processing is  
3 accomplished using a multi-purpose CPU or a digital signal  
4 processor.

5 24. (previously presented) A video telephone according to  
6 claim 1 wherein said processing means is a digital signal  
7 processor.

1 25. (previously presented) A video telephone according to  
2 claim 1 wherein said processing means is a multi-purpose CPU.

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application, and for the personal interview conducted on May 11, 2004. The application has been carefully reviewed in light of the Office action and the interview, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-7 remain in this application. Claims 8-22 have been added to this application and are supported by the prior claims and the specification.

Claims 1-3, 6-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaminura (JP 07-154761A). For the following reasons, the rejection is respectfully traversed.

Claim 1, as amended, recites

*a processing means including a microprocessor for executing an image modification program for implementing one or more image modification processing techniques which subject the pickup image signal to an image modification processing to produce a modified image signal for protecting a portrait right*

(lines 7-11; emphasis added). Kaminura does not suggest any processing means including a "microprocessor" for executing an "image modification program" to produce a modified image signal, as recited in the claim.

As discussed at the personal interview, Kaminura teaches a device that uses switches and logic gates to modify an output of an A/D converter (see Figure 2) to basically short out various output bits. However, Kaminura does *not* suggest using a microprocessor for executing programs for modifying an image signal, as recited in the claim. The Examiner agreed at the personal interview that Kaminura does not appear to show a microprocessor, or teach any program execution, and thus claim 1 is patentable over the reference. Claims 2-7, which depend on claim 1, are patentable over Kaminura for the same reasons (as well as for the limitations contained therein).

Claim 6 recites that the "processing means performs a resolution reducing processing for reducing a resolution of the pickup image signal". Kaminura does not specifically suggest resolution reducing processing capability. The Examiner "notes" that Kaminura

teaches "image modification processing" and "recognizes to apply different image modifications including...resolution reducing processing...", but the Examiner fails to support this "note" with any citation showing where Kaminura teaches this. A close reading of the English language abstract does not support the Examiner's assertion, as no discussion of resolution reduction can be found. Instead, Kaminura merely suggests direct modification of the digital video signal to corrupt the image by shorting out output bits, rather than actually "processing" the image, as that term is used in the art. Thus, the rejection is improper and hence claim 6 is patentable over the reference.

Claim 7 recites that the "processor performs a tone resolution reducing processing for reducing a tone resolution of the pickup image signal". Kaminura does not suggest tone resolution reducing processing capability. The Examiner "notes" that Kaminura teaches "image modification processing" and "recognizes to apply different image modifications including...tone resolution processing...", but the Examiner fails to support this "note" with any citation showing where Kaminura supposedly teaches this. A close reading of the English language abstract does not support the Examiner's assertion, as no discussion of tone resolution reduction can be found. Instead, as discussed above, Kaminura seems to merely suggest direct modification of the digital video signal to corrupt the image. Thus, the rejection is improper and hence claim 7 is patentable over the reference.

Claim 8, as amended, recites:

image modification processing means *for executing a program* which subjects the pickup image signal to an image modification processing for protecting a portrait right, said image modification including one or more of defocusing processing, deforming processing, resolution reducing processing, tone resolution reducing processing, diffusing image processing, transverse blurring processing, and contour extracting processing;

(emphasis added). As also discussed at the personal interview, the reference does not teach or suggest any "executing" of a program for performing the listed process, and thus the claim is patentable over the reference.

Claims 11, 14, 17, and 20 were amended to contain similar claims as those discussed above at the suggestion of the Examiner (in particular, the "executing: of a program), and thus, as discussed at the personal interview, are patentable over the reference for similar reasons. Claims 9-10, 12-13, 15-16, 18-19, and 21-25, which depend, directly or indirectly,

Appl. No. 09/913,383  
Amdt. Dated June 7, 2004  
Reply to Office action of January 13, 2004

on one of the above discussed claims, are patentable over the reference for at least the same reasons.

Claims 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaminura (JP 07-154761A) in view of Hiroaki (U.S. 5,786,846). For the following reasons, the rejection is respectfully traversed.

Claims 4 & 5 are patentable over Kaminura for the reasons set out for claim 1. Hiroaki does not overcome the cited deficiencies of Kaminura, and thus claims 4 & 5 are patentable over the combination as well.

Further, the Examiner has not provided the proper motivation for combining the references. Accordingly, the combination is improper, and hence the rejection cannot stand. Thus, claims 4-5 are patentable over the references.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

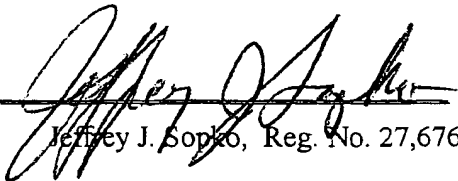


Appl. No. 09/913,383  
Amdt. Dated June 7, 2004  
Reply to Office action of January 13, 2004

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Respectfully submitted,

PEARNE & GORDON, LLP

By:   
Jeffrey J. Sopko, Reg. No. 27,676

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June 7, 2004

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<b>Request for Continued Examination (RCE) Transmittal</b>	<b>Application Number</b>	09/913,383
	<b>Filing Date</b>	August 13, 2001
	<b>First Named Inventor</b>	Hideo Harada, et al.
	<b>Art Unit</b>	2643
	<b>Examiner Name</b>	George Eng
	<b>Attorney Docket Number</b>	33869

Address to:  
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**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i.  Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii.  Other Amendment B filed on June 9, 2004
- b.  Enclosed
- i.  Amendment/Reply
- ii.  Affidavit(s)/ Declaration(s)
- iii.  Information Disclosure Statement (IDS)
- iv.  Other \_\_\_\_\_

2. **Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b.  Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
 The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a.  Deposit Account No. 16-0820
- i.  RCE fee required under 37 CFR 1.17(e)
- ii.  Extension of time fee (37 CFR 1.136 and 1.17) (3 months \$950)
- iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$ 1,720 enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Robert F. Bodi	Registration No. (Attorney/Agent)	48540
Signature		Date	July 7, 2004

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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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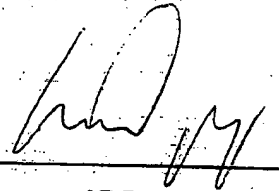
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Appl. No. 09/913,383  
Amdt. Dated March 15, 2005  
Reply to Office action of December 15, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/913,383  
Applicant : Hideo Harada  
Filed : August 13, 2001  
Title : VISUAL TELEPHONE

Conf. No. : 9480  
TC/AU : 2643  
Examiner: : George Eng

Docket No. : 33869  
Customer No.: 000,116

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT "C"

Sir:

This amendment is filed in response to the Office action dated December 15, 2004 (paper no./mail date 20041211). The three month period for responding to the Office action expires on March 15, 2005.

Remarks/Arguments begin on page 2 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Robert F. Bodi

Name of Attorney for Applicant(s)

March 15, 2005

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-25 remain in this application.

Claims 1-3 and 6-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaminura (JP 07-154761A) in view of Watanabe *et al.* (U.S. 6,344,907). For the following reasons, the rejection is respectfully traversed.

Claim 1, as amended, recites

*a processing means including a microprocessor for executing an image modification program for implementing one or more image modification processing techniques which subject the pickup image signal to an image modification processing to produce a modified image signal for protecting a portrait right*

(lines 7-11; emphasis added). The Examiner admits that Kaminura does not suggest any processing means including a "microprocessor" for executing an "image modification program" to produce a modified image signal, as recited in the claim.

Instead, the Examiner cites Watanabe as teaching the cited element. However, a close reading of Watanabe does not support the Examiner's assertion.

Watanabe is directed toward a vending apparatus for photographing and printing photos. It teaches the ability to do various image modification, including "enlarging, reducing, slenderizing, and broadening" an image (col. 7, lines 51-55). However, such modifications are not for protecting a portrait right as recited in the claim, and cannot do so, because such modification does not protect any portrait right. Such images would likely be recognizable, and thus would then violate a portrait right. Thus, Watanabe does not teach the cited limitation of the claim.

Furthermore, because Kaminura already teaches a means of protecting the privacy of a user, there is no motivation for further modifying Kaminura do add the processing of

Watanabe, because the Kaminura device is already capable of performing the desired function. Accordingly, there is no motivation for combining the references, and thus the rejection is improper.

Further, adding the features of Watanabe to Kaminura would merely add the ability to "enlarge, reduce, slenderize, and broaden" the image. It would not add any capability to protect a portrait right by executing a program, as recited in the claim. Thus, claim 1 does not read on the combination.

For any of the above reasons, claim 1 is patentable over the references. Claims 2-3, & 6-7, which depend on claim 1, are thus patentable over the references for at least the same reasons.

In addition, claim 2 recites that "the image signal selection means selects and outputs the modified image signal from the processing means at a time of starting communication, and thereafter selects and outputs the pickup image signal from the pickup signal processing means in response to an operational instruction from a calling party". Neither reference teaches any "operational instruction from a calling party" as recited in the claim. Instead, Kaminura merely teaches a user turning a switch 31 on or off to activate/deactivate the privacy feature. There is no suggestion of any instruction from a calling party being used to do so. Watanabe does not overcome the Kaminura shortcomings. Thus, for this reason as well, claim 2 is patentable over the references.

Claim 3 recites that "the image signal selection means selects and outputs the modified image signal from the processing means at a time of starting communication, and thereafter selects and outputs the pickup image signal from the pickup signal processing means in response to confirmation of authentication of a partner side of a calling party". Neither reference discusses any "authentication of a partner side of a calling party" as recited in the claim, and thus for this reason as well, claim 3 is patentable over the references.

Claim 6 recites that the "processing means performs a resolution reducing processing for reducing a resolution of the pickup image signal". Kaminura does not specifically suggest resolution reducing processing capability. A close reading of the English language abstract does not support the Examiner's assertion, as no discussion of resolution reduction can be found. Instead, Kaminura merely suggests direct modification of the digital video

signal to corrupt the image by shorting out output bits. Thus, the rejection is improper and hence claim 6 is patentable over the references.

Claim 7 recites that the "processor performs a tone resolution reducing processing for reducing a tone resolution of the pickup image signal". Neither Watanabe nor Kaminura suggest tone resolution reducing processing capability. The Examiner fails to support this rejection with any citation showing where the references supposedly teach tone resolution reducing processing. A close reading of the references does not support the Examiner's assertion, as no discussion of tone resolution reduction can be found. Instead, as discussed above, Kaminura seems to merely suggest direct modification of the digital video signal to corrupt the image. Thus, the rejection is improper and hence claim 7 is patentable over the reference.

Claim 8, as amended, recites:

...image modification processing means *for executing a program* which subjects the pickup image signal to an image modification processing for *protecting a portrait right*, said image modification including one or more of defocusing processing, deforming processing, resolution reducing processing, tone resolution reducing processing, diffusing image processing, transverse blurring processing, and contour extracting processing...

(emphasis added). As discussed for claim 1, neither reference teaches executing a program for protecting a portrait right, and thus the claim is patentable over the reference. Furthermore, neither reference teaches the specific types of modifications listed in the claim, and, thus, the claim is patentable over the references for this reason as well. Claims 9-10 depend on claim 8, and thus are patentable over the references for at least the same reasons as claim 8.

Furthermore, claims 9 & 10 have limitations similar to those discussed above for claims 2 and 3, and thus are patentable over the references for that reason as well.

Claims 11, 14, 17, and 20 all contain similar limitations as those discussed above, and thus, are patentable over the reference for similar reasons. Claims 9-10, 12-13, 15-16, 18-19, and 21-25, which depend, directly or indirectly, on one of the above discussed claims, are patentable over the reference for at least the same reasons.

Claims 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over



Kaminura in view of Watanabe, and further in view of Hiroaki (U.S. 5,786,846. For the following reasons, the rejection is respectfully traversed.

Claims 4 & 5 are patentable over Kaminura in view of Watanabe for the reasons set out for claim 1. Hiroaki does not overcome the cited deficiencies of Kaminura and Watanabe, and thus claims 4 & 5 are patentable over the combination as well.

In addition, claim 4 recites that "the processing means performs a defocusing processing for placing an image based on the pickup image signal in a defocused state". The Examiner admits that neither Kaminura nor Watanabe teach defocusing processing, but asserts that Hiroaki teaches defocusing processing. However, the examples that the Examiner lists (i.e., indicating user's deviation, enlarging/reducing image size, cutting display part, changing brightness or hue) are not defocusing processing. Instead, the Hiroaki device is directed toward a means of notifying a user if he is out of range of a camera. This is not a defocusing operation, and applicant has found no such teaching in the reference. Accordingly, claim 4 is patentable over the combination for this reason as well.

Furthermore, claim 5 recites that "the processing means performs a deforming processing for converting two-dimensional positional information of pixels in the pickup image signal at an arbitrary ratio". The Examiner has failed to point out where the reference supposedly teaches this limitation, and the cited examples are clearly different operations. Thus, for this reason as well, claim 5 is patentable over the references.

Finally, the Examiner has not provided the proper motivation for combining the references. Instead, the Examiner merely lists the conclusory benefit of the combination, without any reasoning as to why that particular feature should be used to modify the primary reference. Accordingly, the combination is improper, and hence the rejection cannot stand. Thus, claims 4-5 are patentable over the references for this reason as well.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same

Appl. No. 09/913,383  
Amd. Dated March 15, 2005  
Reply to Office action of December 15, 2004

to our Deposit Account No. 16-0820, our Order No. 33869.

Respectfully submitted,

PEARNE & GORDON, LLP

By: 

Robert F. Bodi, Reg. No. 48540

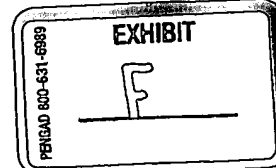
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March 15, 2005

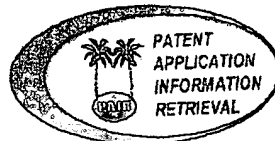


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Application Type:	Utility	Status Date:	04-21-2005
Examiner Name:	ENG, GEORGE	Location:	ELECTRONIC
Group Art Unit:	2643	Location Date:	-
Confirmation Number:	9480	Earliest Publication No:	-
Attorney Docket Number:	33869	Earliest Publication Date:	-
Class/ Sub-Class:	348/014.01	Patent Number:	-
First Named Inventor:	Hideo Harada, Shizuoka, (JP)	Issue Date of Patent:	-
Title Of Invention:	Visual telephone		

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03-17-2005	Response after Non-Final Action
03-17-2005	Request for Extension of Time - Granted
12-15-2004	Mail Non-Final Rejection
12-13-2004	Non-Final Rejection
12-07-2004	IFW TSS Processing by Tech Center Complete
12-07-2004	Date Forwarded to Examiner
07-09-2004	Request for Continued Examination (RCE)
12-07-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
07-09-2004	Request for Extension of Time - Granted
08-13-2001	Request for Foreign Priority (Priority Papers May Be Included)
08-13-2001	Information Disclosure Statement (IDS) Filed
07-09-2004	Workflow incoming amendment IFW

07-09-2004	Workflow - Request for RCE - Begin
06-25-2004	Workflow incoming amendment IFW
06-22-2004	Mail Advisory Action (PTOL - 303)
06-18-2004	Advisory Action (PTOL-303)
06-15-2004	Date Forwarded to Examiner
06-09-2004	Amendment after Final Rejection
06-09-2004	Request for Extension of Time - Granted
06-09-2004	Workflow incoming amendment IFW
12-08-2003	Information Disclosure Statement (IDS) Filed
05-11-2004	Examiner Interview Summary Record (PTOL - 413)
01-13-2004	Mail Final Rejection (PTOL - 326)
01-12-2004	Final Rejection
10-31-2003	Date Forwarded to Examiner
10-06-2003	Response after Non-Final Action
07-09-2003	Mail Non-Final Rejection
06-30-2003	Non-Final Rejection
11-01-2001	Case Docketed to Examiner in GAU
10-18-2001	Application Dispatched from OIPE
10-16-2001	IFW Scan & PACR Auto Security Review
09-21-2001	371 Application Preexamination Docketing
09-05-2001	371 Application Preexamination Docketing
08-13-2001	Receipt of 371 Request
09-05-2001	Correspondence Address Change
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### Request for Continued Examination (RCE) Transmittal

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Application Number	09/913,383
Filing Date	August 13, 2001
First Named Inventor	Hideo Harada, et al
Art Unit	2643
Examiner Name	George Eng
Attorney Docket Number	33869

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  - i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
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- b.  Enclosed
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#### 3. Fees

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- a.  Deposit Account No. 16-0820
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    - ii.  Extension of time fee (37 CFR 1.138 and 1.17) (3 months \$950)
    - iii.  Other \_\_\_\_\_
  - b.  Check in the amount of \$ 1,720 enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)

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#### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Robert F. Bodi	Registration No. (Attorney/Agent)	48540
Signature	<i>[Signature]</i>	Date	July 7, 2004

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Name (Print/Type)	Robert F. Bodi	Date	July 7, 2004
Signature	<i>[Signature]</i>		

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Adjustment date: 08/01/2005 SDIRET1  
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DAH:160820 Name/Number: 09913383 \$420.00 CR  
FC: 9204

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/913,383  
Applicant : Hideo Harada  
Filed : August 13, 2001  
Title : VISUAL TELEPHONE

Conf. No. : 9480  
TC/AU : 2643  
Examiner: : George Eng

Docket No. : 33869  
Customer No.: 000,116

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT "C"**

Sir:

This amendment is filed in response to the Office action dated December 15, 2004 (paper no./mail date 20041211). The three month period for responding to the Office action expires on March 15, 2005.

Remarks/Arguments begin on page 2 of this paper.

Adjustment Date: 08/01/2005 SDIRETA1  
05/03/2005 EDAVIS 00000002 160820 09913383  
01 FC:1253 1020.00 CR

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Robert F. Bodi  
Name of Attorney for Applicant(s)

March 15, 2005

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